

**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF VIRGINIA  
ROANOKE DIVISION**

Mitchell Saunders,  <div style="text-align:right">Plaintiff,</div>  v.  Norfolk Southern Railway Co.,  <div style="text-align:right">Defendant.</div>	Case No. 7:15-cv-00070-GEC  <b>JOINT RULE 26(f) REPORT</b>
---	--

Plaintiff Mitchell Saunders (“Saunders”) and Defendant Norfolk Southern Railway Co. (“Norfolk Southern”) submit their Joint Rule 26(f) Pretrial Report.

1. Background:

The parties had a telephone conference on July 7, 2015, in which they discussed the matters set forth in Fed. R. Civ. P. 26.

2. Discovery:

The parties propose the following discovery schedule:

<b><u>EVENT</u></b>	<b>PROPOSED DATE</b>
Plaintiff’s Initial Disclosures	July 23, 2015
Defendant’s Initial Disclosures	August 7, 2015
Plaintiff’s Expert Disclosures	January 4, 2016
Defendants’ Expert Disclosures	February 1, 2016
Expert Rebuttal	March 1, 2016
Non-Dispositive Motions Deadline	March 25, 2016
Close of Discovery	March 25, 2016
Dispositive Motions Deadline	March 30, 2016

<b><u>EVENT</u></b>	<b>PROPOSED DATE</b>
Rule 26(a)(3) Disclosures, Motions <i>In Limine</i> , and Pretrial Submissions	April 18, 2016
Responses and Objections to Pretrial Submissions	April 25, 2016
Final Pretrial Conference	TBD
Trial	May 9-13, 2016

Limit the use and numbers of discovery procedures as follows:

25 Interrogatories (from each party to each party);

50 Document requests (from each party to each party);

10 factual depositions, maximum, taken by each party;

25 Requests for Admissions (from each party to each party); and

The parties agree to preserve and produce all electronically-stored information that is not unduly burdensome or expensive, unless the information pertains to the issues in this case and cannot be found elsewhere, in which case the party will produce the information. In the event that one party finds production of certain requested documents unduly burdensome or expensive, the parties agree to confer and attempt to resolve any issues without Court assistance. If the parties cannot resolve their dispute, the requesting party will file a motion with the Court. Electronically stored information should be produced in its native format or, if not feasible, in another widely-accepted format with all data delimited.

### 3. Related Cases:

Saunders v. Norfolk Southern Railway Co., CL11009593-0, Montgomery County, VA, filed Oct. 31, 2011 (Saunders seeking damages from Norfolk Southern for his personal injury under the Federal Employers Liability Act, 45 U.S.C. § 51, *et. seq.* (“FELA”));

Saunders v. Norfolk Southern Railway Co., CL13012011-0, Montgomery County, VA; filed Jan. 11, 2013 (Same).

### 4. Other Matters:

a. *Electronic Service*

The parties agree that documents or pleadings may be served by electronic means. The parties further agree that service by electronic means shall be allowed as set forth in Fed. R. Civ. P. 5(b)(2)(E) and that such service shall be complete upon transmission, provided that the sender does not receive any indication that such electronic transmission was unsuccessful.

b. *Electronic Copies*

The parties agree that copies of all written discovery requests shall be provided and/or served electronically, in editable format, and that copies of all proposed findings of fact as required by the Court's standing order shall be provided and/or served electronically, in editable format.

**NICHOLS KASTER, PLLP**

DATED: July 16, 2015

s/ Nicholas D. Thompson  
Matthew H. Morgan (MN #304657)  
Nicholas D. Thompson (MN # 389609)  
4600 IDS Center  
80 South Eighth Street  
Minneapolis, Minnesota 55402  
Telephone: (612) 256-3200  
Facsimile: (612)338-4878  
[morgan@nka.com](mailto:morgan@nka.com)  
[nthompson@nka.com](mailto:nthompson@nka.com)

**THE MOODY LAW FIRM, INC.**

Claude W. Anderson, Jr., Esquire  
Virginia State Bar No. 26387  
500 Crawford St., Suite 200  
Portsmouth, VA 23704  
Phone: &757) 393-4093

**ATTORNEYS FOR PLAINTIFF**

DATED: July 16, 2015

**WILLCOX & SAVAGE, P.C.**

s/Samuel J. Webster

Samuel J. Webster (VSB No. 17021)  
Phillip H. Hucles (VSB No. 87219)  
440 Monticello Avenue, Suite 2200  
Norfolk, Virginia 23510  
Telephone: 757.628.5500 Facsimile:  
757.628.5566 swebster@wilsav.com

**COUNSEL FOR DEFENDANT**

**CERTIFICATE OF SERVICE**

I hereby certify that on July 16, 2015, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following:

Samuel J. Webster  
Phillip H. Hucles  
Willcox & Savage, P.C.  
440 Monticello Avenue, Suite 2200  
Norfolk, Virginia 23510

s/ Nicholas D. Thompson

Matthew H. Morgan (MN #304657)\*

[morgan@nka.com](mailto:morgan@nka.com)

Nicholas D. Thompson (MN # 389609)\*

[nthompson@nka.com](mailto:nthompson@nka.com)

4600 IDS Center  
80 South Eighth Street  
Minneapolis, Minnesota 55402  
Telephone: (612) 256-3200  
Facsimile: (612)338-4878

*\*Admitted pro hac vice*